

**REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

This amendment provides attorney's signature as required by the Notice of Non-Compliance.

**A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants basically:

1. Editorially amend claim 27 to moot the claim objection (the amendment being supported, e.g., by page 6, line 9-page 7, line 10 of the specification).
2. Respectfully traverse all prior art rejections.

**B. PATENTABILITY OF THE CLAIMS**

Claims 27-29, 31-37, 39-42 and 44-47 stand rejected under 35 USC 103(a) as being anticipated by U.S. Publication 2004/0082328 to Japenga et al in view of U.S. Publication 2003/0207691 to Chen. Claims 30, 38 and 43 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Publication 2004/0082328 to Japenga et al in view of U.S. Publication 2003/0207691 to Chen, further in view of 3GPP Tech. Spec. 25.215 v.3.1.0. All prior art rejections are respectfully traversed for at least the following reasons.

Amended claim 27 more closely mirrors in stating that the two parameters (e.g. first and second) are measured and reported to the bases station controller. Handover to a new cell is initiated and completed based on both of the reported parameters. Thus, the handover according to the independent claims is not performed or decided upon until both parameters have been reported and taken into consideration.

Thus, the independent claims are based on the recognition that a handover decision based on a single parameter e.g. RSCP or  $E_c/N_0$  is less than ideal in a handover situation from GSM to WCDMA. According to prior art the decisions in the respective systems are based on different parameters, thus leaving a large room for error in selecting an optimal cell when handover is deemed necessary. Especially, both the  $E_c/N_0$  and the RSCP value at a certain geographical position can be very good at a low traffic load in the network, while the same position may show a quite bad  $E_c/N_0$  value at a higher traffic load whilst maintaining a passable RSCP value. In the same manner, the  $E_c/N_0$  may be very good at a low traffic load, whilst the RSCP is bad at the same low traffic load. This results in a very real risk that for varying traffic load any handover decision is bound to be flawed if the traffic load varies. Thus making it difficult to define an optimal GSM to UTRAN handover parameter setting.

In order to overcome the above mentioned problems, Applicants' specification discloses a solution where a first and a second parameter relating to quality and signal strength (e.g.  $E_c/N_0$  and RSCP) are measured and reported simultaneously for each UTRAN cell in the network. In order to further optimize the reporting format, the values of the two measured parameters are included in a same field in a standardized Measurement Report message and are reported simultaneously according to one of a respective plurality of value ranges.

US patent application publication US2004/0082328 to Japenga discloses a technique for inter-RAT cell reselection in a wireless communication system. A first parameter associated with a wireless cell is compared to a first criterion. If the parameter satisfies the criterion the cell is reselected for wireless communication. Upon reselection of the cell, a second parameter associated with the cell is compared to a second criterion. If the second parameter does not satisfy the second criterion the first criterion is modified. Subsequently, the cell is deselected if the second parameter does not satisfy the

second criteria. Basically, a user terminal might end up bouncing back and forth between two cells if the second and first criteria are not both satisfied.

US patent application publication US2003/0207691 by Chen discloses a method of increasing the communication efficiency between the network and the mobile device by eliminating repetitive contents within one communication message e.g. measurement request message, in a wireless communication system. Basically, by including or not including channel ID and/or channel type values in their designated fields in the measurement request, communicated parameters are applied to only selected channels, only selected channels of a predetermined type, or to all channels. Consequently, identical event parameters for multiple channels or channel types are only communicated once in one joint measurement request.

Japenga discusses the problems of using only one of RSCP and Ec/No as criteria when going from WCDMA to GSM. However, Japenga only considers idle mode and hence has no measurement reports. Applicants, on the other hand, consider only active mode and how to modify the measurement report in order to alleviate the problems of separate criteria. Japenga only measures one parameter, reselects a cell, then measures a second parameter, and possibly deselects the cell again. Japenga is thus totally contrary to Applicants' claim limitation of both the first and the second parameter being reported simultaneously, and accordingly is even more deficient in failing to report the first parameter and the second parameter in a same field in a Measurement Report message.

Chen discloses communication from the network to a user terminal, and how to make that communication more efficient by reducing duplicate reported settings for the various channels. In other words, if two or more channels are to be set according to the same parameters, the parameters only need to be transmitted once (instead of once for each channel, as is commonly known). Applicants' endeavor concerns communication going the opposite direction from Chen's, e.g. from the user terminal to the network, and

in a Measurement Report. Consequently, Chen and Applicant deal with two different problems and two diametrically opposing scenarios. Chen deals with reducing excessive signaling; Applicants reduce unnecessary cell reselection and improved cell reselection. Consequently, Chen does not discuss or hint at the possibility of reporting two parameters at the same time in a same field in a Measurement Report.

Neither Japenga, nor Chen, nor a combination of the two, destroy the novelty or patentability of Applicants' claims. Consequently, it is the opinion of the applicant that the present application is entitled to grant.

### **C. MISCELLANEOUS**

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly ted.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:                     /H. Warren Burnam, Jr./                    

H. Warren Burnam, Jr.  
Reg. No. 29,366

HWB:lsb  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100